

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|   |   |                             |
|---|---|-----------------------------|
| <b>MARIO DWAYNE DOMINICK,</b>             | ) |                             |
|   | ) |                             |
| <b>Plaintiff,</b>                         | ) |                             |
|   | ) |                             |
| <b>v.</b>                                 | ) | <b>Case No. 1:22-CV-284</b> |
|   | ) |                             |
| <b>CORRECTIONS OFFICER BEVINO, et al,</b> | ) |                             |
|   | ) |                             |
| <b>Defendants.</b>                        | ) |                             |

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on October 3, 2022. The matter was assigned and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

By Report and Recommendation issued on October 23, 2024, Chief Magistrate Judge Lanzillo recommended that his action be dismissed due to Plaintiff's failure to prosecute it. ECF No. 48. Judge Lanzillo's recommendation was based on the fact that in the nearly eighteen (18) months since the docketing of his complaint, Plaintiff has taken no action to prosecute his case and he has ignored several orders of this Court. To date, no objections have been filed.

"If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" *EEOC v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) *quoting* 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the complaint and filings in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 22nd day of November 2024;

IT IS HEREBY ORDERED that this action be dismissed due to Plaintiff's failure to prosecute it.

IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on October 23, 2024 [ECF No. 48] is adopted as the opinion of the court.

The Clerk of Court is directed to close this case.

A handwritten signature in black ink, reading "Susan Paradise Baxter", is written over a horizontal line.

SUSAN PARADISE BAXTER  
United States District Judge